

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LERON WILBORN,
Petitioner,**

vs.

No. 10-CV-0423-DRH

**RANDY PFISTER,
Respondent.**

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On June 10, 2010, Leron Wilborn filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The respondent answered the petition on October 4, 2010 (Doc. 13). On December 10, 2012, pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b) and Local Rule 72.1(a), United States Magistrate Judge Donald G. Wilkerson submitted a Report and Recommendation (“the Report”) recommending that the Court replace respondent Donald Geatz with respondent Randy Pfister (as petitioner has been transferred to Pontiac Correctional Center and Pfister is the acting Warden of Pontiac), deny petitioner’s petition for writ of habeas corpus pursuant and dismiss with prejudice this matter (Doc. 20).

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” by December 27, 2012. To date, none of the

parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Thus, the Court **ADOPTS** the Report in its entirety (Doc. 20). The Court **DENIES** Wilborn's 28 U.S.C. § 2254 petition, **DECLINES** to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(2) and **DISMISSES with prejudice** this case. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Signed this 7th day of January, 2013.

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David R. Herndon
Date: 2013.01.07
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Chief Judge
United States District Court